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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,698	06/04/2001	Slawomir T. Fryska	H0001347	4771

7590

06/11/2002

Larry J. Palguta  
Honeywell International Inc.  
Law Department  
3520 Westmoor Street  
South Bend, IN 46628

EXAMINER

BUTLER, DOUGLAS C

ART UNIT

PAPER NUMBER

3683

DATE MAILED: 06/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



09/87368

**UNITED STATES DEPARTMENT OF COMMERCE**  
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EXAMINER

ART UNIT

PAPER NUMBER

7

DATE MAILED:

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 5/17/62 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

**Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:**

- |   |   |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input checked="" type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449.      | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152.       |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474.     | 6. <input type="checkbox"/>   |

**Part II SUMMARY OF ACTION**

1. ☒ Claims 1-17 are pending in the application.

Of the above, claims 10-17 are withdrawn from consideration.

2. ☐ Claims \_\_\_\_\_ have been cancelled.

3. ☐ Claims \_\_\_\_\_ are allowed.

4. ☒ Claims 1-9 are rejected.

5. ☐ Claims \_\_\_\_\_ are objected to.

6. ☒ Claims 1-17 are subject to restriction or election requirement.

7. ☐ This application has been filed with Informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed \_\_\_\_\_, has been ☐ approved; ☐ disapproved (see explanation).

12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

**EXAMINER'S ACTION**

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### DETAILED ACTION

1. An action on the merits of claims 1-9 considered readable on Species A(Figures 2-4) is included in this office action with claims 10-17 being withdrawn from consideration. 37 C.F.R. § 1.142(b). Election was made without traverse in Paper No. 6 filed on May 17, 2002.
2. The submitted prior art has been considered.
3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the submitted patent to Cook et al(3800392) in view of JP 55-152108.

The principal reference to Cook et al(3800392) discloses the invention substantially as claimed. However, the principal reference to Cook et al(3800392) does not disclose the feature of claim 1 re the use of a mounting surface between a friction lining and its core which is sinusoidally-shaped.

The secondary reference to JP 55-152108 at Figure 4 teaches mounting a friction lining to its core by a sinusoidally-shaped interface or connection for decreasing the separation between the pad and its backing core during brake operation.

It would have been obvious at the time the invention was made to one having ordinary skill in the art to which the invention pertains to modify the principal reference to Cook et

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al(3800392) to connect the friction lining elements 22 to the core 20 by the use of a sinusoidally-shaped interface or connection for decreasing the separation between the pad and its backing core during brake operation.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cook et al(3800392) in view of JP 55-152108 as applied to claim 2 above, and further in view of Hill et al(4011055).

The principal reference to Cook et al(3800392), as modified, discloses the invention substantially as claimed. However, the principal reference to Cook et al(3800392), as modified, does not disclose the feature of claim 9 re the use of a thermal coating.

The tertiary reference to Hill et al(4011055) teaches coating a carbon brake with an anti-oxidant coating(thermal coating) in order to reduce oxidation during high temperatures.

It would have been obvious at the time the invention was made to one having ordinary skill in the art to which the invention pertains to modify the principal reference to Cook et al(3800392), as modified, to include a thermal coating as taught by Hill et al(4011055) in order to reduce oxidation during high temperatures.

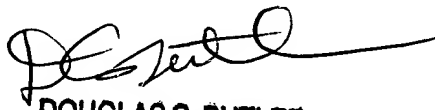
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exmr. Butler whose telephone number is (703) 308-2575. The examiner is normally in the USPTO Monday-Friday from 9 a.m. to 2:00p.m. Although the examiner may not always be present in his office to immediately answer the phone when called, the examiner will make every effort to return the call as soon as possible. If the examiner does not answer his

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phone, the examiner suggests that a brief message be recorded on the examiner's voice mail machine when necessary and appropriate. The examiner normally checks recorded phone calls at least once a day unless on leave.

The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687. Examiner Butler's immediate supervisor is Jack Lavinder at (703)308-3421.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

  
DOUGLAS C. BUTLER  
PRIMARY EXAMINER  
AU 3683 6/5/02